

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

JACQUELINE R WETHERELL
Claimant

APPEAL NO. 09A-UI-03059-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

BLACKHAWK LIFECARE CENTER INC
Employer

OC: 01/25/09
Claimant: Appellant (1)

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Jacqueline Wetherell filed an appeal from a representative's decision dated February 19, 2009, reference 01, which denied benefits based on her separation from Blackhawk Lifecare Center, Inc. After due notice was issued, a hearing was held by telephone on March 23, 2009. Ms. Wetherell participated personally. The employer did not respond to the notice of hearing.

ISSUE:

At issue in this matter is whether Ms. Wetherell was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

Having heard the testimony of the witness and having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Wetherell was employed by Blackhawk Lifecare Center, Inc. from April 12, 2002 until January 23, 2009. She was last employed full time as head cook. She voluntarily quit the employment because of the conduct of her supervisor, Tammy Huseman. Ms. Huseman became the supervisor in May of 2008 and frequently commented on the fact that she planned to have all new faces in the kitchen.

Ms. Wetherell also did not like the fact that the supervisor would go into her office and slam the door when she was upset. Ms. Huseman also changed the work and cleaning schedules. She also added additional duties. Ms. Wetherell was never disciplined by Ms. Huseman. She never voiced any complaints to the administrator of the facility, who would have been Ms. Huseman's supervisor. Ms. Wetherell was not advised by a doctor to quit because of any health issues related to the employment.

REASONING AND CONCLUSIONS OF LAW:

Ms. Wetherell voluntarily quit her employment. An individual who leaves employment voluntarily is disqualified from receiving job insurance benefits unless the quit was for good cause attributable to the employer. Iowa Code section 96.5(1). Ms. Wetherell did not give the employer a reasonable opportunity to correct the problems that were causing her to quit. She

knew the administrator was over Ms. Huseman but made no effort to address her concerns with the administrator. An employer cannot correct work situations unless it has notice of the problems. There was nothing about Ms. Huseman's conduct that justified quitting without first giving the employer an opportunity to resolve the issues. Neither her "tantrums" nor the changes she made in the kitchen justified quitting immediately without advance notice to the employer.

Because the employer herein was not given a fair and reasonable opportunity to salvage the employment relationship, it is concluded that good cause attributable to the employer has not been established. As such, benefits are denied.

DECISION:

The representative's decision dated February 19, 2009, reference 01, is hereby affirmed. Ms. Wetherell quit her employment for no good cause attributable to the employer. Benefits are withheld until she has worked in and been paid wages for insured work equal to ten times her weekly job insurance benefit amount, provided she satisfies all other conditions of eligibility.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/pjs